

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No: 10-20749
Hon. Victoria A. Roberts

vs

D-1 ASA TYRELL HAMILTON,

Defendant.

/

ORDER STRIKING PRO SE FILING BY A REPRESENTED PARTY

Defendant Asa Tyrell Hamilton filed 3 motions pro se: Motion for Writ of Habeas Corpus [doc 47], Motion to Strike Surplusage from the Indictment [doc 48], and Motion to Inspect Grand Jury Minutes [doc 49].

Federal law permits a criminal defendant to appear “personally or by counsel.” 28 U.S.C. §1654. This is “disjunctive; a party may either represent himself or appear through an attorney.” Hall v Dorsey, 534 F. Supp. 507, 508 (E.D. Pa 1982).

There is no right, constitutional or otherwise, to “hybrid representation - the representation at the same time by counsel and *pro se*.” United States v Trapnell, 638 F. 2d 1016, 1027 (7th Cir. 1980). Therefore, as part of the latitude accorded district courts managing their dockets, courts may bar *pro se* filings by represented parties. United States v Agofsky, 20 F. 3d 866, 872 (8th Cir. 1994) (finding no error in the court’s refusal to consider *pro se* motion where defendant was represented by counsel); United States v Tracy, 989 F. 2d 1279, 1285 (1st Cir. 1993) (“A district court enjoys wide latitude in managing its docket and can require represented parties to present motions

through counsel.”)

Accordingly, Defendant’s motions are **STRICKEN** and forwarded to defendant’s counsel without further consideration. Future filings are similarly barred so long as defendant continues to be represented by counsel.

ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: 10/24/2011

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on 10/24/2011

s/Carol A. Pinegar
Deputy Clerk